UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/892,296	06/26/2001	David Eatough	42390P11639	2361

			EXAMINER
21552	7590	04/07/2005	GIANOLA, JOHN F

MADSON & METCALF
GATEWAY TOWER WEST
SUITE 900
15 WEST SOUTH TEMPLE
SALT LAKE CITY, UT 84101

ART UNIT	PAPER NUMBER
2145	

DATE MAILED: 04/07/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)
Office Action Summary	09/892,296	EATOUGH ET AL.
	Examiner	Art Unit	
	John F Gianola	2145	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>01 April 2002</u>.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☐ Claim(s) _____ is/are pending in the application.

  4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1-18</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on <u>01 April 2002</u> is/are: a)☒ accepted or b)☐ objected to by the Examiner.

  Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

  Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

  a)☐ All   b)☐ Some * c)☐ None of:

  1.☐ Certified copies of the priority documents have been received.

  2.☐ Certified copies of the priority documents have been received in Application No. _____.

  3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
  application from the International Bureau (PCT Rule 17.2(a)).

  * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
   Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
   Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

Claim Rejections - 35 USC § 102

1.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2.   Claims 1-18 rejected under 35 U.S.C. 102(b) as being anticipated by Farinacci

et. al (US Pat. No. 5,519,704).

3.   As to Claims 1, 4, and 7:

Receiving a request to perform a task for a plurality of devices over a network

(column 5, lines 50-53);

Performing said task using a multicast message communicated over said

network (column 5, lines 55-57);

Receiving a request to complete said task from at least one device (see column

5, lines 53-55);

Determining whether said task was completed for said at least one device (see

column 5, lines line 60-63); and

Performing said task using a unicast message communicated over said network

in accordance with said determination (see column 5, lines 64-67).

4.   As to Claims 2, 5 and 13:

Wherein said determining whether said task was completed for said at least one

device comprises:

Receiving an identifier for said at least one device;

Searching a task status table using said identifier;

Retrieving a status indicator associated with said identifier; and

Determining whether said task was completed for said at least one device using

said status indicator (see column 2, lines 57-63).

5.   As to Claims 3, 6, 8, and 11:

Wherein said receiving said request to complete said task from at least one

device comprises:

Determining whether said at least one device is in communication with said

network; and

Sending said request to complete said task from said at least one device (see

column 53-55).

6.   As to Claim 9:

A storage medium:

Said storage medium including stored instructions that, when executed by a

processor, result in receiving a request to perform a task for a plurality of devices

over a network (see column 5, lines 50-53), performing said task using a

multicast message communicated over said network (see column 5, lines 55-57),

receiving a request to complete said task from at least one device (see column 5,

lines 53-55), determining whether said task was completed for said at least one

device, and performing said task using a unicast message communicated over

said network in accordance with said determination (see column 5, lines 60-67).

7.   As to Claim 10:

Wherein the stored instructions, when executed by a processor, further result in

determining whether said task was completed for said at least one device by

receiving an identifier for said at least one device, searching a task status table

using said identifier, retrieving a status indicator associated with said identifier,

and determining whether said task was completed for said at least one device

using said status indicator (see column 2, lines 57-63).

8.   As to Claim 12:

A storage medium;

Said storage medium including stored instructions that, when executed by a

processor, result in receiving a request to send information to a plurality of

devices (see column 5, lines 50-53), sending said information to said plurality of

devices using a broadcast message (see column 5, lines 55-57), receiving a

request for said information from at least one device (see column 5, lines 53-55),

determining whether said at least one device received said information, and

sending said information to said at least one device using a unicast message in

accordance with said determination (see column 5, lines 60-67).

9.   As to Claim 14:

Wherein the stored instructions, when executed by a processor, further result in

receiving a request for said information by connecting said at least one device to

said network and sending said request for said information from said at least one

device (see column 5, lines 60-67).

10.   As to Claim 15:

A storage medium;

Said storage medium including stored instructions that, when executed by a

processor, result in receiving a request to perform a task for a plurality of devices

over a network (see column 5, lines 50-53), performing said task using a

multicast message communicated over said network (see column 5, lines 55-57),

receiving a request to complete said task from at least one device and an

identifier for said at least one device (see column 53-55), searching a task status

table using said identifier, retrieving a status indicator associated with said

identifier, determining whether said task was completed for said at least one

device using said status indicator (see column 2, lines 57-63), and performing

said task using a unicast message communicated over said network in

accordance with said determination (see column 5, lines 60-67).

11. As to Claim 16:

Wherein the stored instructions, when executed by a processor, further result in

receiving said request to complete said task from at least one device by

connecting said at least one device to said network, and sending said request to

complete said task from said at least one device (see column 5, lines 60-67).

12. As to Claim 17:

A server,

Said server having a task handler module to manage complete of a task for a

plurality of target devices using a multicast message;

A plurality of target devices, said plurality of target devices each having a task

finisher module to request completion of said task if uncompleted; and

A network to communicate information between said server and said plurality of

target devices to complete said task (see column 4, lines 40-47).

13. As to Claim 18:

Further comprising a task handler module for each of said plurality of target

devices to complete said task for said plurality of target devices (see column 4,

lines 40-47).

Conclusion

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to John F Gianola whose telephone number is (571)272-

3848. The examiner can normally be reached on Mon - Fri (8:30 - 5:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Valencia Martin-Wallace can be reached at (571)272-6159. The fax phone

number for the organization where this application or proceeding is assigned is 703-

872-9306.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published

applications may be obtained from either Private PAIR or Public PAIR. Status

information for unpublished applications is available through Private PAIR only. For

more information about the PAIR system, see http://pair-direct.uspto.gov. Should you

have questions on access to the Private PAIR system, contact the Electronic Business

Center (EBC) at 866-217-9197 (toll-free).

jfg

PATRICE WINDER
PRIMARY EXAMINER